



Paper No. 13

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In re Application of
LaTorre, et al.
Application No. 09/634,773
Filed: August 9, 2000
Attorney Docket No. 460.1860USQ
For: LIP-OPENABLE SPILL-PROOF
CONTAINER

ON PETITION

This is a decision on the petition, filed September 3, 2002 under 37 CFR 1.137(a). This petition is being treated under 37 C.F.R. § 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned May 12, 2002 for failure to timely submit new formal drawings as required by the Notice of Allowability mailed February 11, 2002. The Notice of Allowability set a three month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136(a) were obtained. Notice of Abandonment was mailed August 7, 2002.

Petitioner alleges that the Notice of Allowability mailed February 11, 2002 did not require the submission of new formal drawings as alleged in the Notice of Abandonment.

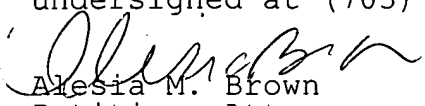
A review of the application file indicates that the Notice of Allowability as mailed February 11, 2002 did not require applicant to submit new formal drawings. A Notice of Draftperson's Patent Drawing Review was Notice June 4, 2002 and required a response within three (3) months of the mailing of the Notice of Allowability. As the Notice of Draftperson's Patent Drawing Review was mailed after the period of time for response to the Notice of Allowability had expired, the Notice of Draftperson's Patent Drawing Review was wrongfully mailed.

If view of the above, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

No fee is due in connection with this matter. The previously submitted petition fee of \$110.00 has been credited to Deposit Account No. 01-0467 as authorized in the instant petition.

As the instant petition included new formal drawings in response to the Notice of Draftperson's Patent Drawing Review, this application is being forwarded to the Publications Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0310.



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